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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,010	04/03/2004	Gordon Walker Nugent		1590

7590  
10/24/2006  
Gordon W. Nugent  
160 Rivergate Drive  
Wilton, CT 06897-3611

EXAMINER
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VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/817,010	NUGENT, GORDON WALKER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Frank Vanaman	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 56-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 56-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/1/06</u> | 6) <input type="checkbox"/> Other: _____  |

### **Status of Application**

1. Applicant's amendment, filed August 1, 2006, has been entered in the application. Claims 56-65 are pending, claims 1-55 having been canceled.

### **Claim Rejections 35 USC §103**

2. The portions of 35 USC relied upon herein may be found cited in a previous office action.

3. Claims 56-65 are rejected as being unpatentable over Raichlen (US 6,540,242) in view of Watson (US 6,394,471, cited previously) Raichlen teaches a metallic-tube hand truck cart (10) which may be used with loads ("A" and "B"- note from the discussion of Prior Art in Raichlen that the accommodation of containers is deemed to be a very common use), including a quick attach/detach lock (16, 17, 18, 19, 20) based on a sliding/pivot mechanism (see figure 6), which co-acts with a ledge (13) of smaller width than a load (e.g., "A"), which can be used to move merchandise from a shopping establishment to a vehicle and throughout a user's residence. The reference to Raichlen is silent on the length of the containers which may be accommodated thereon, however the frame and wheel positions allow lengths greater than the ledge and/or frame to be accommodated thereon, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to accommodate a container having a length of greater than twice the ledge portion (13) for the purpose of allowing the carrying of a container having greater storage capacity than a narrower unit.

The reference to Raichlen fails to explicitly teach the metallic tubing to be a "light alloy", to the breadth such is actually recited in the claims, however the examiner notes that nearly every metallic structural element is an alloy to the breadth claimed, and inasmuch as aluminum, for example, is notoriously old and well known for the construction of carts, and a comparatively light material, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an aluminum alloy for the purpose of constructing a lightweight yet strong cart.

The reference to Raichlen fails to teach (a) the provision of plural ledges and lock elements and (b) the use of a particular container structure. Watson teaches a carrier which can accommodate a plurality of baskets (31, 32, 33) having hinged ends, each

separately supported on a load support (18, 20, 22). It would have been obvious to one of ordinary skill in the art at the time of the invention to duplicate the ledge and lock structure taught by Raichlen, as suggested by the plural load accommodation taught by Watson, for the purpose of allowing a user to move more than a single load at one time.

#### **Response to Comments**

4. Applicant's comments have been carefully considered. As regards the width of the ledge as compared to the container, note that Raichlen teaches such a relationship, particularly in figures 8a and 8b. As regards the relative lengths of the container and ledge, the examiner notes that Raichlen does not explicitly teach such a relationship, however, (a) the frame structure of the ledge allows the accommodation of elements twice as long, and (b) it is very well known to accommodate elements twice as long as an accommodating ledge, if not longer, on a carrier such as taught by Raichlen in order to allow the carriage of an element or device having a greater length than the lateral length of the cart or a ledge portion thereof. Applicant's comments concerning unobviousness are noted, however absent the duplication of containers and the relative lengths of the container and ledge, Raichlen teaches the structure as it has been claimed. Applicant is reminded that it is the specific structural arrangement/relationships which are specifically recited in the claims, to the breadth that it/they is/are actually set forth, that is compared against the prior art.

In general, the duplication of parts already taught by the prior art to enhance or duplicate an existing function is not deemed to be beyond the skill of the ordinary practitioner

#### **Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 3618

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

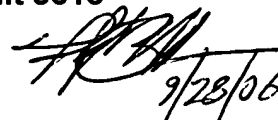
A response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**



9/28/06